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FORENSIC PROFESSIONALS GROUP USA, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

MAGNOLIADRHOMES L.L.C, a  
California limited liability  
corporation, and YOULIN WANG,  
an individual,

Plaintiffs,

vs.

GUIDANCE LAW, APC, A  
CALIFORNIA PROFESSIONAL  
CORPORATION, DEREK  
LONGSTAFF, AN INDIVIDUAL,  
LUIS BULAS-FELIX, AN  
INDIVIDUAL, LUIS BULAS-FELIX  
& ASSOCIATES, LLC, A FLORIDA  
LIMITED LIABILITY  
CORPORATION, FORENSIC  
PROFESSIONALS GROUP USA,  
INC., A FLORIDA  
CORPORATION, and Does 1-50,  
inclusive

Defendants

CASE NO.

**NOTICE OF REMOVAL**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD AND THE  
CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. Sections 1331, 1332, 1441(b) and 1446, defendant Richard Kahn and Forensic Professionals Group USA) hereby removes to this federal court, the state court action described below.

### INTRODUCTION AND BACKGROUND

1. On or about November 5, 2020, the Plaintiffs Magnoliadrhomes, LLC and Youlin Wang (hereinafter “Plaintiffs”) commenced an action in the Superior Court of the State of California in and for the County of Santa Clara, entitled: *MagnoliaDrHomes, LLC v. Guidance Law, APC, as Case No. 20-CV-373145*( Complaint). A copy of the Complaint is attached hereto as Exhibit “A”.
2. On or about December 11, 2020, the Plaintiffs filed a First Amended Complaint against , *inter alia*, Defendants Richard Kahn and Forensic Professionals Group USA, Inc.( hereinafter “Kahn Defendants”) A copy of the First Amended Complaint is attached hereto as Exhibit “B”
3. On or about February 12, 2021, the Plaintiffs served the Kahn Defendants with process. A copy of the summons for Kahn and Forensic Professionals is attached thereto as Exhibit “C.”
4. This notice is timely as it complies under 28 U.S.C. Section 1446(b). See also, *Tedford v. Warner-Lambert*, 327 F.3d 423 (5<sup>th</sup> Cir. 2003); *Irwin v. Department of Veterans Affairs*, 498 U.S. 89,95, 111S.Ct. 453, 112 L.Ed. 2d 435 (1990) (citing

*Hallstrom v. Tillamook County*, 493 US. 20, 27, 110 S. Ct. 304, 107 L.Ed. 2d 237 (1989); *Leslie v.v. BancTec Serv.. Corp.*; 928 F.Supp. 341, 347 (S.D.N.Y.1996).

## **GROUND FOR REMOVAL**

### **Federal Question Jurisdiction**

5. This Court has federal question jurisdiction over this action. 28 U.S.C. Section 1331 (“The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”) Among other counts, the Plaintiffs alleged that Kahn Defendants violated provisions of the Foreign Investment in Real Property Act (“FIRPTA”)( *See, First Amended Complaint, Paras.16-18, 54, 62, 79,88, 108,148, 188, 189* , in addition to the Internal Revenue Code(*See First Amended Complaint, Para. 61, 62, 79, 103, 104, 158, 180,194, 195* the Racketeer Influenced and Corrupt Organizations Act (“RICO”) (*See, First Amended Complaint, Paras. 186-201* and the Federal Arbitration Act. Because Plaintiffs’ claims arise under the laws of the United States, this Court has original jurisdiction over the action.

6. Plaintiffs’ remaining state law claims arise from a common nucleus of operative facts and are so related they form part of the same case or controversy. Therefore, Plaintiffs’ state claims are within the Court’s pendent jurisdiction. *See, 28 U.S.C. Section 1367(a); See also, United Mine Workers v. Gibbs*, 383 U.S. 715, 725 (1966)(claims arise from the same case or controversy if they arise from a common nucleus of operative facts).

7. Accordingly, this action is removable pursuant to 28 U.S.C. Section 1441(a).

**Diversity Jurisdiction**

8. This Court also has original jurisdiction because the parties are diverse and the amount in controversy exceeds the jurisdictional limit. 28 U.S.C. Sections 1441(b), 1332. Diversity jurisdiction exists because the parties are citizens of different states and the matter in controversy exceeds \$75,000, exclusive of interests and costs. The Kahn Defendants are seeking in excess of \$75,000.00 in a Florida arbitration action, whereas the Plaintiffs are seeking damages in the proximate sum of \$3,130,953.66.

9. Diversity of citizenship exists because the Defendant, Richard Kahn is a citizen of the State of Florida and is over the age of 18. *See Exhibit "A"*

10. Defendant Forensic Professional Group USA, Inc. is a Florida corporation with its principal place of business located at 2921 Augusta Circle, Homestead, Florida 33035.

11. Plaintiff Wang, upon information and belief, is an individual who resides in and is a citizen of China.

12. Plaintiff Wang, upon information and belief is a sole member of Plaintiff Magnoliadrhomes, a California limited liability company, with its principal place of business in California.

13. The defendants identified as "DOES 1-50" in the First Amended Complaint are fictitious parties against whom no cause of action can be validly alleged. To the best

1 of the Kahn Defendants' information and belief, no fictitiously designated defendant  
2 has been served with process, and these fictitious parties may be ignored for purposes  
3 of determining removal.  
4

5 **Consent**

6  
7 14. On information and belief, all served defendants consent to removal.  
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9 **Intradistrict Assignment**

10 15. Pursuant to 28 U.S.C. Section 1441(a), assignment to the United States District  
11 Court for the Northern District of California is proper because the Plaintiffs filed this  
12 action in the Superior Court of California, County of Santa Clara.  
13  
14

15 **Attachment of Pleadings**

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17 16. As required by 28 U.S.C. Section 1446(a), a true and correct copy of the state  
18 court's docket is attached hereto as Exhibit "D"  
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20

21 **Notice to State Court/Plaintiffs**

22  
23 17. Pursuant to 28 U.S.C. Section 1446(d), Defendants will promptly serve on  
24 Plaintiffs counsel and file with the Superior Court a "Notice to Adverse Party of  
25 Removal to Federal Court." Pursuant to Federal Rule of Civil Procedure 5(d), the  
26 Kahn Defendants will also file with this Court a "Certificate of Service of Notice to  
27 Adverse Party of Removal to Federal Court."  
28

1 WHEREFORE, the Kahn Defendants request that this Court consider this  
2 Notice of Removal as provided by law governing the removal of cases to this  
3 Court, that this Court take such steps as are necessary to achieve the removal of  
4 this matter to this Court from the Santa Clara County Superior Court, and that his  
5 Court will make such other orders as may be appropriate to effect the preparation  
6 and filing of a true record in this case of all proceedings that may have been had in  
7 the state court action.  
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13 DATED: May 17, 2021

Respectfully Submitted,

16 MADGETT & KLEIN, APLC

17 By: /s/ Douglas E. Klein \_\_\_\_\_  
18

19 Douglas E. Klein

20 Attorneys for Defendants,  
21 RICHARD KAHN and  
22 FORENSIC  
23 PROFESSIONALS USA, INC.  
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